

03-05-02

02/28/02
11062 U.S. PRO

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 35718/242990, (3718-198)
	First Inventor or Application Identifier: Simmons
	Title of Invention: NUCLEIC ACIDS ENCODING DEFENSE INDUCIBLE PROTEINS AND USES THEREOF
	Express Mail Label No. EL868641049US

 10/090035
 02/28/02
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ADDRESS TO: **BOX PATENT APPLICATION**
U.S. PATENT AND TRADEMARK OFFICE
P. O. BOX 2327
ARLINGTON, VA 22202

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Carl R. Simmons

Assignee of this invention is Millennium Pharmaceuticals

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$740
TOTAL CLAIMS:	12 - 20 =	0	X 9 = \$0	x 18 = \$0
INDEP CLAIMS:	2 - 3 =	0	X 42 = \$0	x 84 = \$0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$	+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 740

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
- ☒ A check in the amount of \$ 740.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 84
4. ☐ — Sheets of Drawing(s) (35 USC 113)
5. ☐ Declaration and Power of Attorney; [Total Pages —]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a. ☒ Computer Readable Copy (CRF)
b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing
under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
c. ☒ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ Paper (14 Pages)
d. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☐ Power of Attorney
11. ☐ English Translation Document (*if applicable*)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; ___ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
☐ Foreign Priority is claimed as Application No. , filed
16. ☐ Non-publication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below
and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
of prior Application No: ___; Filed

Prior Application Information: Examiner

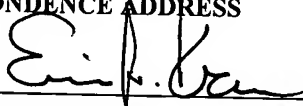
Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS**

CUSTOMER NUMBER 00826

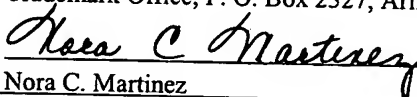
Signature:


Attorney of Record: Eric J. Kron
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CERTIFICATE OF EXPRESS MAILING

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United States Postal Service "Express Mail Post Office to
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Nora C. Martinez

RTA01/2112735v1

Attorney's Docket No. 35718/242990(5718-198)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons
Appl. No.: Not Assigned
Filed: Concurrently Herewith
For: NUCLEIC ACIDS ENCODING DEFENSE INDUCIBLE
PROTEINS AND USES THEREOF

Confirmation No.: Not Assigned

**STATEMENT IN SUPPORT OF FILING A
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

U.S. Patent and Trademark Office
Box Patent Application
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Arlington, VA 22202

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

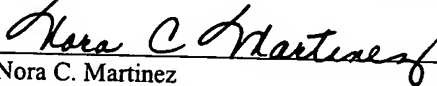
Respectfully submitted,



Eric J. Kron

Attorney for Applicant

Registration No. 45,941

Customer No. 00826 Alston & Bird LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	"Express Mail" Mailing Label Number EL868641049US Date of Deposit: February 28, 2002 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to U.S. Patent and Trademark Office, Box Patent Application, P.O. Box 2327, Arlington, VA 22202.  Nora C. Martinez
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